

REMARKS

[0003] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0004] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-2, 6, 8-13 and 15-32 are presently pending. Claims amended herein are 1, 12 and 21. Claims withdrawn or cancelled herein are 3-5, 7 and 14. No new claims are added herein.

Statement of Substance of Interview

[0005] The Examiner graciously talked with me—the undersigned representative for the Applicant—on September 30, 2008. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0006] During the interview, I discussed how the claims differed from the cited reference, namely Gershony. The Examiner recommended some minor amendments to the claims directed to “the second graphics system being further configured to reference a second type of window without a ~~need of~~ using any window handle”. The Examiner further stated that with these amendments, the claims would most likely be in condition for allowance.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited reference of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 12 and 21 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited reference.

Substantive Matters

Claim Rejections under § 102

[0011] The Examiner rejects claims 1-2, 6, 8-13 and 15-32 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0012] Accordingly, Applicant respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

[0013] The Examiner's rejections are based upon the following reference:
Gershony: *Gershony, et al.*, US Patent No. 6,549,218 (issued April 15, 2003).

Overview of the Application

[0014] The Application describes a technology for providing interoperability between two different graphics technologies. An embodiment of the present application includes windows of two types: a legacy type and a new type. A graphics system includes components that support each of the two types. Interoperability is achieved by creating legacy structures associated with any windows of the new type. (*Application*, Abstract)

Cited References

[0015] The Examiner cites Gershony as the reference in the anticipation-based rejections.

Gershony

[0016] Gershony describes a technology where output from an application or other program running in a windowing environment is redirected from the application to a bit map where it can be further manipulated prior to being displayed on the screen. (*Gershony*, Abstract)

Anticipation Rejections

[0017] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Gershony

[0018] The Examiner rejects claims 1-2, 6, 8-13 and 15-32 under 35 U.S.C. § 102(e) as being anticipated by Gershony. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent Claim 1

[0019] Applicant submits that Gershony does not anticipate this claim because it does not disclose at least the following features and elements as recited in this claim (with emphasis added):

- "a second graphics system configured to render windows in a second mode, the second graphics system being further configured to reference a second type of window *without using any window handle*"
- "an interoperability component configured to cause a dummy window handle to be created for an instance of a window of the second type and to use the dummy window handle if called to perform a graphics related action on the instance of the window of the second type, wherein *a null device context is associated with the dummy window handle to facilitate a lookup of the second type of window, wherein any drawing done to the null device context is lost*"

[0020] The Examiner indicates (Action, p. 2-3) the following with regard to this claim:

label 340; col. 7, lines 60-64); a second graphics system configured to render windows in a second mode (fig. 3, label 380; col. 8, lines 24-26), the second graphics system being further configured to reference a second type of window without a need of using any window (fig. 3, label 340; col. 7, lines 60-64, that if the window is redirected it will not utilize the same window handle as depicted for the first window, to ensure the window is redirected); and an interoperability component configured to cause a dummy window handle to be created for an instance of a window of the second type, wherein a null device context is associated with the dummy window handle to facilitate a lookup of the second type of window, wherein any drawing done to null device context is lost (fig. 3, label 320; col. 6, lines 61-65; col. 7, lines 33-41 ; col. 6, lines 14-15; col. 8, lines 52-58, that using "MICROSOFT WINDOWS" to create window "CreateWindowEX 0", using known "Microsoft Component Object Model (COM) to call functions "Microsoft Windows GetDCoO" with a NULL window handle as a parameters and

"CreateCompatibleBitmap()" to create a dummy (blank) Window bitmap in memory, which is compatible with (e.g., has the same color depth as) the screen device context and to call "ViewObject2::Draw () to draw (perform) a graphics related action to enhance. Null device context (a place holder to look up the graphic visual of an element (e.g. window). (col.6, lines 61-67; col.7, lines 1-13); When, how and/or where drawing is lost is not explained in the specification, thus when the style bit is written to a different value the value before the new value is lost, in such the style bit will be lost and drawing to it is lost).

[0021] For example, as agreed to in the Examiner interview, Gershony does not disclose or describe the claimed "second graphics system ... configured to reference a second type of window ***without using any window handle***".

[0022] In the rejection of this claim feature, the Examiner asserts regarding Gershony (Action, p. 3):

"[T]hat if the window is redirected, it will not utilize the same window handle as depicted for the first window, to ensure the window is redirected"

[0023] Gershony, Col. 2, lines 11-16 further discloses the following:
Windows produced by applications normally paint **via a handle** to a display device context (DC) retrieved by calling BeginPaint or GetDC. By drawing via the display device context handle, the application draws directly to the screen and thus the system does not have a copy of the visual bits drawn by the window.

[0024] Additionally, Gershony, Fig. 4 shows an example of an API used by the application to identify the window and specify parameters to be used in redirecting windows and providing special effects. As shown in this block diagram, the second field "HWND" signifies a window handle. Figure 4 is shown here for convenience:

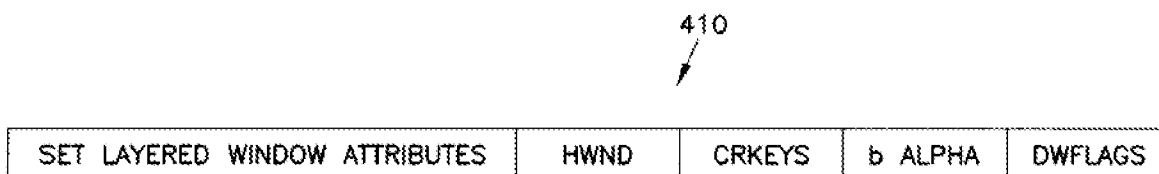


FIG. 4

[0025] As shown above, the Examiner asserts in this Action, and Gershony discloses, that the first window and the redirected window both use window handles. As agreed to in the above referenced Examiner interview, this is contradictory to the claimed "reference a second type of window ***without using any window handle***". Therefore, unlike the recitation of this claim, Gershony discloses that both legacy and redirected windows use a window handle.

[0026] To assist the Examiner in appreciating the claimed subject matter, Applicant provides the following illustrative excerpt from Applicant's Specification (emphasis added):

It should be noted that the creation of a window handle 220 **would be unnecessary** if all the windows of the application 120 were new windows (MIL windows) because **the MIL component 270 maintains its own internal data structures to manage its windows**. However, in the mixed-mode case, to support interoperability, the user component 265 is involved in the creation of the windows so that their existence will be noted in the user data structures 267. Thus, it will be appreciated that the window handle 220 for a MIL window is a dummy or mock token used mostly to ensure that the user component 265 is aware of any windows that the MIL component 270 is rendering. (Specification, p. 9, l. 11-19)

[0027] Additionally, Gershony does not disclose or describe the claimed "dummy window handle to be created for an instance of a window of the second type and to use the dummy window handle if called to perform a graphics related action on the instance of the window of the second type, wherein a null device context is associated with the dummy window handle to ***facilitate a***

lookup of the second type of window, wherein any ***drawing done to the null device context is lost***".

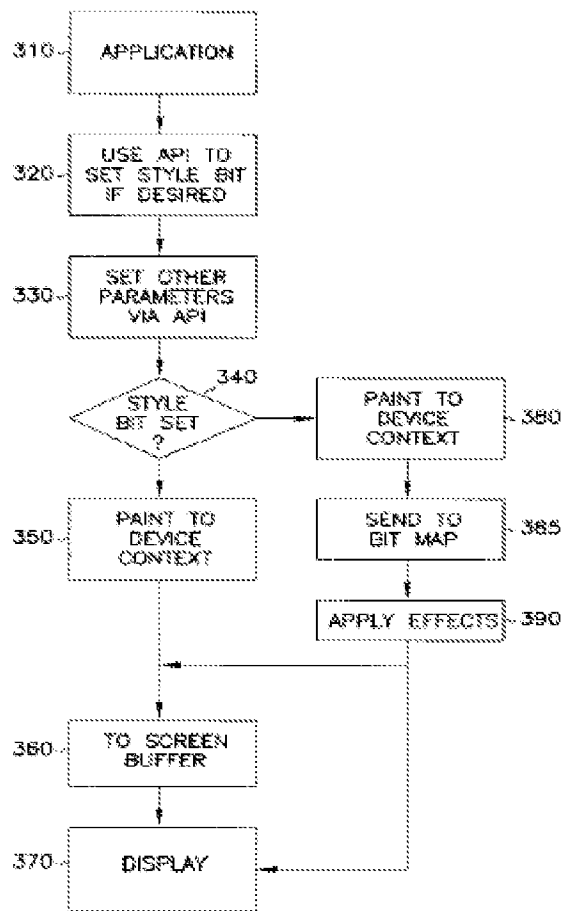
[0028] Instead, Gershony, Col. 8, l. 13-28, discloses the following (emphasis added):

If the style bit is not set, processing will continue as it has in legacy systems at 350, with the application **painting the window to the device context**, followed by the device context properly clipping portions of the window and sending it through the GDI 230 to the screen buffer at 360.

...

If the style bit is detected as being set at 340, then the window is redirected **following painting to the device context** at 380. It is then sent to the bit map at 385, where effects may be applied at 390 in accordance with the parameters that were previously set.

[0029] Figure 3 is also shown here for convenience:



[0030] As shown above, as well as in Fig. 3, labels 350 and 380, painting the window to the device context occurs in both cases of whether the style bit is set or not (i.e., window is redirected or not). This is in direct contradiction to the claimed “wherein any *drawing done to the null device context is lost.*” Instead, Gershony, Fig. 3, labels 350 and 380, as shown above clearly states “Paint to Device Context” for either legacy or redirected windows. Therefore, Gershony does not anticipate this claim, because Gershony does not disclose that any painting “*done to the null device context is lost*” as recited in this claim.

[0031] Also, Gershony does not disclose or describe the claimed “dummy window handle to facilitate a lookup of the second type of window” because the style bit disclosed by Gershony does not facilitate any lookup of any window. As

shown above, the style bit is set to specify whether a window is redirected. Therefore, Gershony does not anticipate this claim because Gershony does not disclose the features of the "lookup" as recited in this claim.

[0032] The Examiner also asserts (Action, p. 3) that the claimed "drawing done to the null device context is lost" is not explained in the Specification. Applicant respectfully disagrees. To assist the Examiner in appreciating the claimed subject matter, Applicant provides the following illustrative excerpt from Applicant's Specification (emphasis added):

However, in the case where the window is a MIL window, meaning that the render target 280 is controlled by the MIL component 270, **the information in the device context 285 is unnecessary.** The MIL component 270 maintains the information necessary to render any windows within its control. Accordingly, in this particular implementation, a null device context 286 may be returned. The null device context 286 **is a real DC, but any drawing done to it is lost.** The null device context 286 is essentially only a place holder that can be **used to lookup a MIL "visual,"** which is a term used to describe the display construct of a window under control of the MIL component 270. Thus, the window handle 220 essentially serves as the user component's view into the MIL component's data structures. (Specification, p. 11, l. 1-11)

[0033] As shown at least in the excerpt above, the claimed "drawing done to the null device context is lost" is supported by the Applicant's specification.

[0034] Consequently, Gershony does not disclose all of the elements and features of this claim. Therefore, Gershony does not anticipate this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 12

[0035] Applicant submits that Gershony does not anticipate this claim because it does not disclose at least the following features and elements as recited in this claim (with emphasis added):

- "an interoperability component that interfaces with an application program, the application program including a first window and a second window, the first window being compatible with a first graphics system that uses window handles to reference windows, the second window being compatible with a second graphics system that *does not use window handles*"
- "a *mock window handle* associated with the second window, the mock window handle indicating that the second window is compatible with the second graphics system, wherein a *null device context* is associated with the mock window handle to facilitate a lookup of the second window, *wherein any drawing done to the null device context is lost*"

[0036] The Examiner rejects claim 12 on substantially the same basis as claim 1 (Action, p. 5-6). As shown above, claim 1 is allowable over the cited reference. Without needlessly repeating the reasons presented above in support of claim 1, the Applicant asserts that Gershony does not disclose or describe the claimed "second graphics system that *does not use window handles*". In short, Gershony does not disclose or describe any legacy or redirected window that *does not use window handles*.

[0037] Additionally, Gershony does not disclose or describe the claimed “wherein a null device context is associated with the mock window handle to facilitate a lookup of the second window, wherein any drawing done to the null device context is lost”. As shown above with respect to claim 1, Gershony paints both legacy and redirected windows to a device context and does not perform the features of the claimed lookup. Accordingly, without needlessly repeating the arguments above, the Applicant submits that claim 12 is also allowable over the cited reference for reasons similar to those given above with reference to claim 1.

[0038] Consequently, Gershony does not disclose all of the elements and features of this claim. Therefore, Gershony does not anticipate this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 21

[0039] Applicant submits that Gershony does not anticipate this claim because it does not disclose at least the following features and elements as recited in this claim (with emphasis added):

- “determining if the new window is of a type associated with an alternative graphics system that *does not require the use of a window handle*”
- “associating the *dummy window handle* with the new visual by returning a *null device context to facilitate a lookup* of the new window, wherein any drawing done to the null device context is lost”

[0040] The Examiner rejects claim 21 on substantially the same basis as claim 1 (Action, p. 8-9). As shown above, claim 1 is allowable over the cited reference. Without needlessly repeating the evidence and reasons presented above in support of claim 1, the Applicant asserts that Gershony does not disclose or describe the claimed “new window is of a type associated with an alternative graphics system that does not use a window handle”. In short, Gershony does not disclose or describe any legacy or redirected window that *does not use window handles*.

[0041] Additionally, Gershony does not disclose or describe the claimed “associating the dummy window handle with the new visual by returning a null device context to facilitate a lookup of the new window, wherein any drawing done to the null device context is lost”. As shown above with respect to claim 1, Gershony paints both legacy and redirected windows to a device context and does not perform the features of the claimed lookup. Accordingly, without needlessly repeating the arguments above, the Applicant submits that claim 21 is also allowable over the cited reference for reasons similar to those given above with reference to claim 1.

[0042] Consequently, Gershony does not disclose all of the elements and features of this claim. Therefore, Gershony does not anticipate this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims

[0043] If not already addressed individually above, in addition to its own merits, each dependent claim is allowable for at least the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0044] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/ E. John Fain /

Dated: 11/11/08

E. John Fain (johnf@leehayes.com; x256)

Registration No. 60960

John Meline (johnm@leehayes.com; x257)

Registration No. 58,280

Customer No. **22801**

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

www.leehayes.com